

CIVIL COVER SHEET

County in which action arose: Oakland, MI

JS 44 (Rev. 02/19)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jamal Barnett

(b) County of Residence of First Listed Plaintiff Oakland, MI

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jason J. Liss (P48742), Fabian, Sklar, King & Liss PC
33450 W. Twelve Mile Rd., Farmington Hills, MI 248-553-2000

DEFENDANTS

State Farm Fire and Casualty Company, a foreign corp.

County of Residence of First Listed Defendant Bloomington, IL

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☐ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☒ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input checked="" type="checkbox"/> 1	PTF DEF	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	PTF DEF	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332

Brief description of cause:

Penalty interest following claim for insurance proceeds

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.> DEMAND \$
75,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
August 31, 2023SIGNATURE OF ATTORNEY OF
RECORD /s/ Jason J. Liss (P48742)

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

xxx ☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

xxx ☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMAL BARNETT,

Plaintiffs,

Case No. 23-cv
Hon.

vs.

STATE FARM FIRE AND CASUALTY COMPANY,
a foreign corporation,

Defendant.

/

COMPLAINT

NOW COMES Plaintiff, JAMAL BARNETT, by and through his attorneys, FABIAN, SKLAR, KING & LISS, P.C., and for his Complaint against Defendant, STATE FARM FIRE AND CASUALTY COMPANY, states unto this Honorable Court as follows:

1. Plaintiff, JAMAL BARNETT, resides in the Village of Franklin, County of Oakland, State of Michigan and therefore is a citizen of the State of Michigan.

2. Defendant, STATE FARM FIRE AND CASUALTY COMPANY, is a foreign corporation, licensed to conduct business in the State of Michigan, which, upon information and belief, is a corporation organized and existing under the laws of the State of Illinois, whose principal place of business is located in the City of

Bloomington, State of Illinois, and therefore is believed to be a citizen of the State of Illinois.

3. The facts giving rise to this Complaint occurred in the Southern Division of the Eastern District of Michigan.

4. The amount in controversy between the parties exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars exclusive of costs and interest.

5. The court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 due to the amount in controversy and the parties' diversity of citizenship.

6. At all relevant times, Plaintiff JAMAL BARNETT was the named insured or otherwise entitled to insurance benefits pursuant to policy no. 82-EE-R430-6, issued by Defendant, a copy of which is in Defendant's possession, which insured Plaintiff's covered property located at 24800 Franklin Farms Dr. in Franklin, Michigan against accidental direct physical loss.

7. On or about October 21, 2020, while Defendant's policy was in effect, Plaintiff's covered property at 24800 Franklin Farms Dr. in Franklin, Michigan was damaged by a covered cause of loss, specifically accidental direct physical loss caused by fire.

8. Upon discovery, Plaintiff timely notified Defendant of the loss.

9. Defendant accepted liability for loss and issued multiple payments on Plaintiff's claim on multiple dates.

10. Defendant received satisfactory proof of Plaintiff's dwelling loss no later than February 18, 2021.

11. Defendant received satisfactory proof of Plaintiff's personal property loss no later than March 12, 2021.

12. Defendant made multiple payments on Plaintiff's personal property claim after March 12, 2021.

13. Mich. Comp. Laws § 500.2006 provides for the addition of 12% interest on claims where the Defendant insurer has failed to make payment of the claim within 60 days of receiving satisfactory proof of loss.

14. Defendant's multiple payments made on Plaintiff's dwelling claim on or after April 19, 2021 were untimely.

15. Defendant's multiple payments made on Plaintiff's personal property claim on or after May 11, 2021 were untimely.

16. Mich. Comp. Law § 500.2006(4) mandates that the interest owing pursuant to the statute "must be paid in addition to and at the time of payment of the loss."

17. In violation of Mich. Comp. Law § 500.2006, Defendant failed to contemporaneously pay penalty interest with the untimely payments it made on Plaintiff's dwelling and personal property claims, and later refused to pay penalty interest after Plaintiff demanded it.

WHEREFORE Plaintiff, JAMAL BARNETT, respectfully requests the Court to enter a judgment in his favor and against Defendant, STATE FARM FIRE AND CASUALTY COMPANY, for penalty interest in an amount in excess of \$75,000.00 determined to be owing pursuant to Mich. Comp. Laws § 500.2006, plus all taxable costs, prejudgment interest and all other such relief the Court deems proper in equity and good conscious.

Respectfully submitted,

/s/ Jason J. Liss

Jason J. Liss (P48742)

Fabian, Sklar, King & Liss, P.C.

Attorney for Plaintiffs

33450 W. Twelve Mile Road

Farmington Hills, MI 48331

(248) 553-2000 / (248) 553-2020 (fax)

jliss@fabiansklar.com

Dated: August 31, 2023

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMAL BARNETT,

Plaintiffs,

vs.

Case No. 23-cv
Hon.

STATE FARM FIRE AND CASUALTY COMPANY,
a foreign corporation,

Defendant.

/

JURY DEMAND

NOW COMES Plaintiff, JAMAL BARNETT, by and through his attorneys,
FABIAN, SKLAR, KING & LISS, P.C., and hereby demands a jury trial in the
above-entitled cause of action.

Respectfully submitted,

/s/ Jason J. Liss

Jason J. Liss (P48742)
Fabian, Sklar, King & Liss, P.C.
Attorney for Plaintiffs
33450 W. Twelve Mile Road
Farmington Hills, MI 48331
(248) 553-2000 / (248) 553-2020 (fax)
jliss@fabiansklar.com

Dated: August 31, 2023

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

JAMAL BARNETT

Plaintiff,

v.

STATE FARM FIRE and CASUALTY
COMPANY, a foreign corp.*Defendant.*

Civil Action No. 2:23-cv-

Hon.

SUMMONS IN A CIVIL ACTION

To: State Farm Fire and Casualty Company
1 State Farm Plz
Bloomington, IL 61710-0001

Serve RA in Michigan:
CSC-Lawyers Incorporating Service Co.
3410 Belle Chase Way, Ste. 600
Lansing, MI 48911

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jason J. Liss (P48742)
Fabian, Sklar, King & Liss, P.C.
33450 W. Twelve Mile Rd.
Farmington Hills, MI 48331
(248) 553-2000

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DAVID J. WEAVER, CLERK OF COURT

By: _____
Signature of Clerk or Deputy Clerk

Date of Issuance: _____



Summons and Complaint Return of Service

Case No. _____

Hon. _____

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
 _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: